

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Attorney Docket No. 006401.00400)

In re U.S. Patent Application of  
Schilling et al.

Application No.: 10/611,485

Filed: July 1, 2003

For: Dust Suppressant and Soil  
Stabilization Composition

)  
)  
)  
) Group Art Unit: 1751

)  
) Examiner: Gregory R. DeCotto  
)  
)  
)

**INFORMATION DISCLOSURE STATEMENT**

**MAIL STOP AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 CFR §§1.56, 1.97 and 1.98, enclosed is Form PTO/SB/08A (substitute for form PTO-1449/A/PTO), submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references cited in the enclosed form in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form PTO/SB/08A, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form PTO/SB/08A is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

12/12/2005 HDEMESS1 00000012 190733 10611485

01 FC:1806 180.00 DA

The Information Disclosure Statement is being filed:

— within any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR §1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR §1.491 of an international application; (c) before the mailing date of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR §1.114.

X after (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR §1.113, a Notice of Allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and includes one of:

— The statement under 37 CFR §1.97(e) (see "statement under 37 CFR §1.97(e)" below).

or

X the fee of \$180 set forth in 37 CFR §1.17(p) (see "Fees" below).

— after the mailing date of a final action under 37 CFR §1.113 or a Notice of Allowance under 37 CFR §1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR §1.97(e) (see "Statement under 37 CFR §1.97(e)" below), and the fee of \$180 as set forth in 37 CFR §1.17(p) (see "Fees" below).

— after the mailing date of a Notice of Allowance under 37 CFR §1.311, and on or before payment of the issue fee, and within thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR §1.704(d) (see "Statement under 37 CFR §1.704(d)" below), and the fee of \$180 as set forth in 37 CFR §1.17(p) (see "Fees" below).

#### Copies of the References

X Copies of the references listed on the enclosed Form 1449 are enclosed herewith. Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR §1.98(a)(3).

— A copy of the foreign search report is enclosed herewith.

— The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR §1.98(d), the details of the

parent application(s) relied upon for an earlier filing date under 35 USC §120 in which copies of the references were previously furnished are set out below:

**Statement under 37 CFR §1.97(e)**

— The undersigned hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.

— The undersigned hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

**Statement under 37 CFR §1.704(d)**

— The undersigned hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

**Fees**

— No fee is owed by the applicant(s).

☒ The IDS Fee of \$180 under 37 CFR §1.17(p) is enclosed herewith.

**Method of Payment of Fees**

— Attached is a check in the amount \$

☒ Charge Deposit Account No. 19-0733 in the amount of \$180.00

**Authorization to Charge Additional Fees**

☒ If any additional fees are owed in connection with this communication, please charge Deposit Account No. 19-0733.

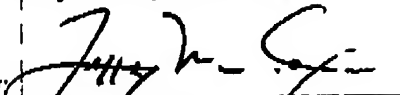
**Instructions as to Overpayment**

☒ Credit Account No. 19-0733.  
☐ Refund

Date: December 9, 2005

Respectfully submitted,

By



Jeffrey M. Cox

Registration No: 50,695

Banner & Witcoff, Ltd

10 S. Wacker Drive

Suite 3000

Chicago, Illinois 60606

Tel: (312) 463-5000

Fax: (312) 463-5001

PTC/SB/08a (08-03)

Approved for use through 07/31/2008. \*MB 0881-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

**Complete If Known**

|                        |                      |
|------------------------|----------------------|
| Application Number     | 10/611,485           |
| Filing Date            | July 1, 2003         |
| First Named Inventor   | Kevin H. Schilling   |
| Art Unit               | 1751                 |
| Examiner Name          | Gregory R. Del Cotto |
| Attorney Docket Number | 006401.00400         |

**U.S. PATENT DOCUMENTS**

| Examiner Initials * | Cite No. <sup>1</sup> | Document Number                            | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant<br>Passages or Relevant<br>Figures Appear |
|---------------------|-----------------------|--|--------------------------------|---|---|
|                     |                       | Number - Kind Code <sup>2</sup> (if known) |                                |   |   |
|                     | 1                     | US- 6132638                                | 10/17/2000                     | Oldenrove                                       |   |
|                     | 2                     | US- 5860770                                | 01/19/1999                     | Hunt  |   |
|                     | 3                     | US- 5194174                                | 03/16/1993                     | Roe et al.                                      |   |
|                     | 4                     | US- 3174942                                | 03/23/1985                     | Erikson et al.                                  |   |
|                     | 5                     | US- 4592931                                | 06/03/1986                     | Cargie  |   |
|                     | 6                     | US- 4001033                                | 01/04/1977                     | Anthony et al.                                  |   |
|                     | 7                     | US- 4276077                                | 06/30/1981                     | Zaslavsky et al.                                |   |
|                     | 8                     | US- 4387205                                | 06/07/1983                     | Zaslavsky et al.                                |   |
|                     | 9                     | US- 865578                                 | 09/10/1907                     | Ellis   |   |
|                     | 10                    | US- 1075856                                | 10/14/1913                     | Robeson   |   |
|                     | 11                    | US- 2375019                                | 05/01/1945                     | Miller  |   |
|                     | 12                    | US- 3053019                                | 09/11/1962                     | Mozdy   |   |
|                     | 13                    | US- 6065903                                | 05/23/2000                     | Doyle   |   |
|                     | 14                    | US- 4437896                                | 03/20/1984                     | Partanen  |   |
|                     | 15                    | US- 4822425                                | 04/18/1989                     | Burch   |   |
|                     | 16                    | US- 5412007                                | 05/02/1995                     | Hendrix et al.                                  |   |
|                     | 17                    | US- 2801955                                | 08/06/1957                     | Rutenberg et al.                                |   |
|                     | 18                    | US- 2868778                                | 01/13/1959                     | Watson et al.                                   |   |
|                     | 19                    | US- 3716526                                | 02/13/1973                     | Schweiger                                       |   |
|                     | 20                    | US- 4038481                                | 07/26/1977                     | Antrim et al.                                   |   |
|                     | 21                    | US- 5023103                                | 06/11/1991                     | Ramaswamy                                       |   |
|                     | 22                    | US- 6063178                                | 05/16/2000                     | McPherson et al.                                |   |
|                     | 23                    | US- 4885387                                | 12/05/1989                     | Krochta   |   |
|                     | 24                    | US- 3622463                                | 11/23/1971                     | Iizuka  |   |

**FOREIGN PATENT DOCUMENTS**

| Examiner Initials * | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sup>3</sup> |
|---------------------|-----------------------|---|--------------------------------|---|---|----------------|
|                     |                       | Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known) |                                |   |   |                |
|                     | 25                    | WO 98/40413   | 09/17/1998                     |   |   |                |

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 801.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-0100 and select option 7.